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Atty Docket No.: 10007965-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): JUN LI et al.

Confirmation No.: 9833

Serial No.: 09/955,764

Examiner: James D. Rutten

Filed: September 19, 2001

Group Art Unit: 2192

Title: RUN-TIME MONITORING IN COMPONENT-BASED SYSTEMS

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Review of the final rejection in the Office Action dated June 6, 2006 in the above-identified application is respectfully requested. This request is being filed concurrently with a Notice of Appeal and is submitted for the reasons stated on the attached sheets. No amendments are being filed with this request.

Favorable reconsideration of this application is respectfully requested in view of the following remarks. Claims 1-43 are pending in the present application of which Claims 1, 29, and 36 are independent.

Attempted Interview with the Examiner

The undersigned attempted to contact the Examiner for the past several weeks with multiple phone calls and messages to the Examiner's office to request a discussion of the application. However, the Examiner has not responded. It is noted that the undersigned

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previously conducted a personal interview with the Examiner on March 8, 2006, subsequent to the filing of the previous Response to Office Action, wherein the cited references Kazi and Delucia et al. were discussed and no agreement was reached.

**The Examiner Committed Clear Errors in the Rejection of
Claims 1-43 under 35 U.S.C. 103(a)**

Claims 1, 29, and 36

Claims 1, 29, and 36 recite, "recording a stub start log data ... in an instrumented stub" and "transmitting the global causal identifier from the first software component to the second software component." The Examiner alleged that Kazi shows: a) a method identifier as the claimed global causal identifier; b) a first method in Jvm 1 (Kazi's Figure 3) as the claimed first software component; c) a second method in Jvm 2 (Kazi's Figure 3) as the claimed second software component that can be called and executed by the first method in Jvm 1; and d) a record in a .jta file as the claimed instrumented stub (the Examiner cited to Kazi's p. 7, "Detailed trace generation" that states "The trace generation module of the Jvm is modified to record every invocation of a method;" whereby Kazi's p.5, second full paragraph, under "Tree generation" states that such a record is written to an output .jta file).

First, the .jta file cannot be the "instrumented stub" as claimed and so defined in at least paragraph [0027] of the present application because the .jta file is merely a data file. Second, as pointed out by the Examiner, Kazi's p. 9, third paragraph, discloses that each unique method identifier (alleged as the claimed "global causal identifier) associated with the method to be invoked is *given by a RMI module at the server Jvm*, that is, Jvm 2. Thus, this method identifier belongs to the method associated with the "second software component" (in

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Jvm 2) and is recognizable by the "first software component" (in Jvm 1), after Jvm 1 discovers the second software component (via some object discovery protocol), and before the method invocation from Jvm 1 to Jvm 2 happens. That is, the method identifier creation is at the second software component (in Jvm 2), not at the first software component (in Jvm 1).

As cited by the Examiner, although Tucker '639 provides the transmission of a system-wide identifier in a remote object invocation request to an appropriate remote node (Tucker's col. 3, ll. 22-24), Tucker cannot be combined with Kazi to show the transmission of a method identifier *from* Jvm 1 *to* Jvm 2 when, as Kazi stated, the method identifier actually originates from Jvm 2. Accordingly, Tucker '639 does not cure the defect in Kazi, and the proposed combination of Tucker and Kazi would neither disclose nor make obvious all of the elements claimed in claims 1, 29, and 36.

Claim 7

Claim 7 recites, "log data contents is configured during operation of said component-based software system." The Examiner cited to a visualizer in Kazi to allege coverage of this claimed recitation. As cited by the Examiner, Kazi's p. 5, paragraph 5, discusses the use of a visualizer that reads the .jta output file *of the post-processing step* for a graphic display of a generated trace of trace files. Therefore, any log data contents being configured in the visualizer is configured *after* the operation of the software system in Kazi, and not *during* such an operation as claimed in claim 7.

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Claim 8

Dependent upon claim 7, claim 8 further recites "a user is capable of changing said particular log data contents during said operation of said component-based software system by setting said regular expression." In contrast, as cited by the Examiner, Courant's col. 8, ll. 26-32, discusses the creation of a software routine for execution or operation in a software system, wherein a user is allowed to modify various parameters for the routine prior to its execution or operation. In other words, Courant is concerned with the *pre-processing step* of creating a software system for subsequent operation thereof, whereby user modification is possible *prior* to the operation of such a software system, and not *during* such an operation as claimed. In fact, Courant's regular expression is defined for the purpose of triggering the execution of other software routine in another software tool, to respond to the event raised by a different software tool. Dynamic changing of regular expression to alter the responsive behavior of the software tool set is not meaningful. Furthermore, the proposed combination of Kazi and Courant would render such a combined system inoperable, because Kazi's visualizer is concerned with procedures in a post-processing step and Courant is concerned with procedures in a pre-processing step. As such, Courant's pre-processing step would be incompatible with Kazi's post-processing step.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

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Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: September 6, 2006

By



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